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and the remaining claims (2, 3, 5 and 8-12) were rejected under a combination of Rantanen and Scagnelli. This statement is confusing since, as the Examiner maintained his rejection, some of the claims would have been rejected under 35 USC 102, other claims would have been rejected under 35 USC 103. However, the final rejection appears to be a rejection only on 35 USC 102. Moreover, the rejection could not be "maintained" with respect to claims 13-18 which were added by the amendment of May 2005.

As best applicant can tell, Examiner intended to reject claims 1, 4, 6, 7, 10 and 12 as anticipated by Rantanen, and the remaining claims were intended to be rejected as obvious over Rantanen in view of Scagnelli.

Applicant submits that claims 1, 4, 6, 7 and 12 are not anticipated by Rantanen.

The preamble of claim 1 calls for "selectively entering lottery entries into a state lottery drawing, administered by a state lottery agency, via an internet web site." Thus the preamble identifies an internet website and a state lottery agency. The method includes five steps. The first step is specific: "receiving user access at the home page of the web site". The next four steps deal with interaction with the users e.g. "querying users for their sign-in identification. . .", "presenting pre-registered user members with a choice of member functions and content including a subscription service" and "presenting non-members with a choice of different functions and content". The last step is "communicating selective information to the state lottery agency". The final rejection notes that Rantanen teaches an internet website relying on the specification of column 13-14. However, there is nothing in the statement of rejection which refers to "communicating selective information to the state lottery agency". Furthermore, in the user interaction the step specifies "presenting pre-registered user members with a choice of member functions and content including a subscription service". Applicant notes that neither Rantanen nor the statement of rejection mentions the "subscription service" at all.

In view of the failure of the reference or the rejection to deal with the "subscription service" which is "present[ed to] pre-registered user members" according to the claim and because neither the statement of the rejection nor the reference has subject matter anticipating the last step e.g. "communicating selected information to the state

lottery agency”, applicant submits that claim 1 is clearly not anticipated. Reconsideration and withdrawal of the rejection is solicited.

As indicated above, applicant assumes that claim 6 has also been rejected as anticipated by the Rantanen reference. Claim 6 is described as a method for selectively entering lottery entry into a state lottery drawing via an internet website which includes four steps. The first step is directed at “receiving user access at an internet web site server”. The second and third steps are directed at “connecting the web server to a transaction server via a security firewall” and then “selectively connecting the transaction server to a state lottery system either through: a) a modem connection; b) direct high speed connection; or c) an intermediary manual reentry of member orders from members, received at the web site”. Finally the last step in the claim is “providing access to a subscription purchasing service”.

Applicant notes that the Office Action argues that “the features upon which applicant relies (i.e., a web site server which connects in turn to a transaction server which in turn connects to the state lottery system) are not recited in the rejected claims.” Applicant submits that the foregoing structure is clearly recited in claim 6. On that basis the Applicant’s arguments are supported by the content of the claim. Moreover, the reference fails to describe connecting a web server to a transaction server via a security firewall as recited. Furthermore, there is no reference that described selectively connecting the transaction server to a state lottery system through one of the three intermediaries recited in the claims. In consequence, it is clear that the anticipation rejection fails.

In view of the forgoing, applicant requests reconsideration to withdraw the rejection of claim 6 as anticipated by Rantanen.

Applicant assumes that claim 7 was rejected as anticipated by the Rantanen reference. Claim 7 is directed to a system “for selectively entering lottery entries into a state lottery drawing administered by a state lottery agency, via an internet web site”. The claim goes on to specify five components which include “means for receiving an access to the home page of the web site”, “means for querying users for their sign-in identification to establish whether they are pre-registered user members or non-members,” and further “means for presenting pre-registered user members with a choice

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goes on to specify as a further component "means for presenting non-members with a choice of different functions and content". The claim concludes by calling for the last component which is "means for communicating selected information to the state lottery agency". It should be clear that the first four means recitations are directed at subject matter which is separate and apart from the state lottery agency. In contrast, the reference (see Figure 15 on which the Final Rejection relies) shows that the user interacts with the state lottery agency and hence there is no means for communicating selected information to the state lottery agency. Thus this is one basis on which the claim distinguishes from the reference. Furthermore, the third component of the claim calls for "means for presenting pre-registered user members with . . . content including a subscription purchase service". Neither the reference nor the statement of the rejection mentions this subject matter. Applicant submits that claim 7 distinguishes from the reference for at least both of these reasons.

Claim 12 is directed at a system for selectively entering lottery entries into a state lottery drawing via an internet website. The system includes four components. The first component identified as "means for receiving an access at an internet web site server". The second and third means call for "means for connecting the web server to a transaction server via a security firewall" and "means for selectively connecting the transaction server to a state lottery system either through. . ." identifying three alternative structures for making that connection. Applicant notes that the transaction server, security firewall and state lottery agency are specifically recited in claim 12 thus the applicant's arguments which relied on these elements is specifically recited in the rejected claims contrary to the statements made in the Final Rejection. In addition, the last clause of the claim recites "means for providing access to a subscription purchasing service".

Applicant notes that the Rantanen reference fails to illustrate the second, third, and fourth elements of the claim. While the statement of rejection does mention the second and third elements of the claim, the rejection argued that these elements are not found in the claim, contrary to the expressed recitations in the claim.

Applicant submits that it is clear that the subject matter of claim 12 distinguishes from the reference wherefore reconsideration to withdraw the rejection is solicited.

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As is noted above applicant is assumed that claims 2-3, 5, 8-11 and 13-18 are rejected on a combination of Rantanen and Scagnelli. It is obvious from the statement in the Office Action of February 9, 2005 (Applicant has referred to this Office Action since the Final Rejection does not mention the secondary reference at all) that Scagnelli is relied on for features that are not related to the argument set forth above. On this basis, Applicant asserts that the combination of Rantanen and Scagnelli falls short of the subject matter of claims 1, 4, 6, 7, 12 for the reasons already expressed. Each of claims 2-3, 5, 8-11 and 13-18 depends either directly or indirectly on one of the parent claims 1, 6, 7 and 12. Applicant asserts these claims are patentable with the reasons already given with the spec to the parent claims 1, 6, 7 and 12.

Claim 13 depends from claim 1 and specifies that "the subscription service provides for lottery entries of an amount and frequency selected by the user". Applicant notes that the subject matter is not reflected in either one of the references or in the statement of the rejection.

Claim 14 depends from claim 1 and specifies that "the subscription service provides for lottery entries of a predetermined amount and frequency". Applicant notes that this subject matter is neither mentioned in the Final Rejection nor in either one of the references of record.

Claim 15 depends from claim 7 and further defines "the means for presenting pre-registered user members with a choice of member functions and content including a subscription purchase service" indicates that the subscription purchase service includes "allowing user selection of amount and frequency of lottery entries." Applicant notes that neither the statement of the rejection nor either one of the references mentions this subject matter.

Claim 16 depends from claim 12 and specifies that a means for presenting pre-registered user members with content including a subscription purchase service "includes allowing user selection of amount and frequency of lottery entries." Applicant notes that this subject matter is neither mentioned in the Final Rejection nor either one of the references of record.

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Claim 17 depends from claim 1 and is directed to "presenting both members and non-members with a choice of common functions and content." Applicant notes that neither of the references of record disclose all the elements of claim 17.

Claim 18 depends from claim 6 and is directed to "presenting both members and non-members with a choice of common functions and content." Applicant notes that neither of references of record disclose all the elements of claim 18.

Applicant submits that claims 13-18 are clearly patentably over the references of record.

For all of the foregoing reasons, applicant submits that claims 1-18 are neither anticipated nor rendered unpatentable by either Rantanen, Scagnelli or a combination of Rantanen and Scagnelli for the reasons already presented. Reconsideration to withdraw the rejection and allowance of the claims is respectfully solicited.

A request for a three month extension of time and the corresponding fee accompanying this Amendment. If any further fee is required to maintain pendency of this application, the Director is hereby authorized to debit deposit account number 22-0185 according to the authority of the undersigned.

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Respectfully submitted,

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